

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|   |   |                       |
|---|---|-----------------------|
| In re:  | ) |                       |
|   | ) |                       |
| Eyser L. Owens                                    | ) |                       |
|   | ) | Case No. 13-32470-DOT |
|   | ) |                       |
| Debtor  | ) | Chapter 13            |
|   | ) |                       |
| Address   | ) |                       |
| 11360 Whippoorwill Lane                           | ) |                       |
| Amelia Court House, VA 23002                      | ) |                       |
|   | ) |                       |
| Last four digits of Social Security or Individual | ) |                       |
| Tax-payer Identification (ITIN) No(s): 1598       | ) |                       |

**NOTICE OF MOTION**

Santander Consumer USA Inc. has filed papers with the court to move the court for relief from the automatic stay.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452.

- ☐ Attend the hearing on the motion scheduled to be held on September 11, 2013 at 11:00 AM at United States Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, Virginia.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: August 1, 2013

Signature, name, address and telephone number  
of person giving notice:

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
Virginia State Bar No. 48425  
Counsel for Santander Consumer USA Inc.

Certificate of Service

I hereby certify that on August 1, 2013 I mailed or electronically served a true copy of the foregoing Notice of Motion to: Eyser L. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002; Joan A. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002; Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; and Robert B. Duke, Jr., Counsel to Debtors, 207 A South Main Street, Blackstone, VA 23824.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|   |   |                       |
|---|---|-----------------------|
| In re:  | ) |                       |
|   | ) |                       |
| Joan A. Owens                                     | ) |                       |
|   | ) | Case No. 13-32470-DOT |
|   | ) |                       |
| Debtor  | ) | Chapter 13            |
|   | ) |                       |
| Address   | ) |                       |
| 11360 Whippoorwill Lane                           | ) |                       |
| Amelia Court House, VA 23002                      | ) |                       |
|   | ) |                       |
| Last four digits of Social Security or Individual | ) |                       |
| Tax-payer Identification (ITIN) No(s).: 5169      | ) |                       |

**NOTICE OF MOTION**

Santander Consumer USA Inc. has filed papers with the court to move the court for relief from the automatic stay.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

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United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452.

- ☐ Attend the hearing on the motion scheduled to be held on September 11, 2013 at 11:00 AM at United States Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, Virginia.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: August 1, 2013

Signature, name, address and telephone number  
of person giving notice:

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
Virginia State Bar No. 48425  
Counsel for Santander Consumer USA Inc.

Certificate of Service

I hereby certify that on August 1, 2013 I mailed or electronically served a true copy of the foregoing Notice of Motion to: Eyser L. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002; Joan A. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002; Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; and Robert B. Duke, Jr., Counsel to Debtors, 207 A South Main Street, Blackstone, VA 23824.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:

Eyser L. Owens  
Joan A. Owens

Case No. 13-32470-DOT

Debtors.

Chapter 13

Santander Consumer USA Inc.,

Plaintiff,

v.

Eyser L. Owens,  
Joan A. Owens,  
and  
Robert E. Hyman, Trustee,

Defendants.

**MOTION FOR RELIEF FROM STAY**

NOW COMES Santander Consumer USA Inc., by counsel, and states as follows as its Motion for Relief from Stay against Debtors:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. The Debtors herein own an interest in the following motor vehicle, to-wit: 2012 Chrysler 200, VIN 1C3CCBBB7CN197582.

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
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Counsel for Plaintiff

3. Plaintiff, Santander Consumer USA Inc., is a secured creditor of the Debtors, being secured by a security agreement on the above-described vehicle duly recorded on the certificate of title.

4. On or about May 3, 2013, the Debtors filed a petition for relief under 11 U.S.C. Chapter 13. The Debtors have filed a Chapter 13 plan.

5. Under the terms of the plan, the Debtors proposed to pay Plaintiff post-petition payments outside of the plan.

6. Debtors are in default in the making of the post-petition payments and are presently due for the May 25, 2013 through July 25, 2013 payments for post petition arrearages totaling \$1818.90 with a payoff of approximately \$26864.03 on said security agreement. Plaintiff has incurred attorney's fees and costs for filing this Motion.

7. That Plaintiff lacks adequate protection.

8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001 (a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 so that it may proceed under state law.

Santander Consumer USA Inc.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on August 1, 2013, I mailed or electronically served a true copy of this Motion for Relief from Stay to: Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; Robert B. Duke, Jr., Counsel to Debtors, 207 A South Main Street, Blackstone, VA 23824; Eyser L. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002; and Joan A. Owens, 11360 Whippoorwill Lane, Amelia Court House, VA 23002.

/s/ Sara A. John

Sara A. John

M. Richard Epps, P.C.

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Counsel for Plaintiff